

THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

LAUNCH PAD TECHNOLOGIES, INC.  
dba ENTRANCE CONTROLS,

Plaintiff/Counterclaim

Defendant,

vs.

ADT COMMERCIAL LLC (erroneously  
sued as "ADT LLC"),

Defendant/Counterclaimant.

ADT COMMERCIAL LLC,

Crossclaimant

vs.

DEANNA MOORE,

Crossclaim Defendant

NO. 3:21-cv-05382 RJB

JOINT STATUS REPORT AND  
DISCOVERY PLAN

Pursuant to Rule 26(f) and this Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (DOC 6), counsel for the parties certify that on July 23, 2021, they conferred by email to discuss the nature and basis of their clients' claims and defenses, the

possibilities for a prompt settlement or resolution of the case, and a proposed discovery plan.

After conferring, counsel for the parties have agreed upon the following:

1. Nature and Complexity of the Case: Crossclaim Defendant Deanna Moore (“Moore”) is a former employee of Defendant/Counterclaimant/Crossclaimaint ADT Commercial, LLC (“ADTC”) and current employee of Plaintiff/Counterclaim Defendant Launch Pad Technologies, Inc. dba Entrance Controls (“Entrance Controls”). There is a dispute amongst the parties regarding the enforceability of a Confidential Information and Nonsolicitation Agreement Moore signed. ADTC has brought counterclaims against Entrance Controls alleging trade secret misappropriation, tortious interference with its business expectancies, and vicarious liability for Moore’s breach of her agreement and her duty of loyalty by soliciting ADTC’s clients. ADTC has asserted crossclaims against Moore. Entrance Controls and Moore deny any liability. Moore has asserted a counterclaim against ADTC for unpaid wages, which ADTC denies.

2. Proposed Deadline for Joining Additional Parties: Additional parties should be joined no later than September 23, 2021.

3. Magistrate Judge Consent: No.

4. Proposed Discovery Plan

A. Initial Disclosures: The parties will exchange Initial Disclosures pursuant to FRCP 26(a)(1) as ordered by the Court on August 16, 2021. The parties agree to produce and deliver paper or electronic copies of any documents identified in their Initial Disclosures without a formal discovery request, though the parties recognize that they may be unable to produce all such documents on the day Initial Disclosures are due.

B. Subjects, Timing, & Phasing of Discovery: The parties intend to conduct discovery regarding the allegations in the Complaints, the parties’ alleged damages, and the parties’ defenses. The parties believe that phased discovery is unnecessary, except that lay discovery shall be completed before expert discovery.

1 C. Electronically Stored Information (ESI): The parties generally anticipate  
 2 producing documents in discovery formatted as text searchable PDFs or native files.. The  
 3 parties agree to confer regarding ESI production, formatting, preservation, and production  
 4 throughout the discovery process. Before production of any electronically stored information  
 5 (ESI), the parties agree to confer with each other regarding the nature and type of ESI to be  
 6 produced, including the form of production. The parties agree to confer regarding an ESI  
 7 protocol, working from the Western District of Washington's model order, with potential  
 8 agreed modifications, to govern exchange of ESI.

9 D. Privilege Issues: The parties do not believe the case will involve unique  
 10 or extensive claims of privilege or work product protection.

11 E. Proposed Limitations on Discovery: At this time, the parties do not  
 12 request any changes in the limitations on discovery other than the limits imposed by the  
 13 Federal Rules of Civil Procedure and the Local Civil Rules. The parties reserve the right to  
 14 make such a request in the future.

15 F. Discovery-Related Orders: The parties agree to negotiate a tailored  
 16 version of the Model Protocol for Discovery of ESI, which will be submitted for the Court's  
 17 approval at a later date. The claims involved in this litigation involve misappropriation of trade  
 18 secrets and disclosure of confidential materials. The parties will confer as necessary regarding  
 19 a Stipulated Protective Order to protect confidential or proprietary information produced in  
 20 discovery. At this time, the parties agree that no additional orders should be entered by the  
 21 Court pursuant to FRCP 26(c) or Local Civil Rule 16(b) and (c).

22 5. Local Rule 26(f)(1) Matters

23 A. Prompt Case Resolution: The parties discussed at the Rule 26(f)  
 24 conference the possibilities of promptly resolving the case, but believe at least some discovery  
 25 is necessary before settlement discussions would be meaningful.  
 26

1           B.           Alternative Dispute Resolution: The parties agree to explore options  
2 for early resolution of this matter. If any such negotiations fail, the parties intend to participate  
3 in an ADR process, and anticipated method of ADR will be private mediation with an agreed  
4 mediator. The parties agree that mediation in this case should be completed at least 90 days  
5 prior to trial.

6           C.           Related Cases: Not applicable.

7           D.           Discovery Management: The parties agree to manage discovery fairly  
8 and efficiently. The parties will work cooperatively to manage discovery, including by  
9 scheduling discovery or case management conferences with the judge assigned to the case as  
10 necessary and presenting discovery disputes to the court by informal means. The parties agree  
11 that for purposes of service and computation of response deadlines under the Local Rules, filing  
12 by ECF will constitute service by hand on the date ECF automated notification is sent.

13           The parties consent to the electronic service of all documents that require service on an  
14 opposing party, including but not limited to Initial Disclosures, Interrogatories, Requests for  
15 Production of Documents, Requests for Admissions, and Notices of Deposition, as well as  
16 Responses to Interrogatories, Requests for Production of Documents, and Requests for  
17 Admission, at the e-mail addresses at which each attorney of record receives ECF filings in this  
18 case, with a copy to any other in-office staff requested by the attorney of record such as  
19 paralegals and legal assistants. The parties agree that discovery may be signed by e-signature  
20 rather than by hand.

21           E.           Anticipated Discovery Sought: The parties intend to conduct discovery  
22 regarding the allegations in the Complaints, the parties' alleged damages, and the parties'  
23 defenses. The parties do not anticipate that they will need more than the allotted depositions  
24 provided for under the Federal Rules of Civil Procedure.

25           F.           Phasing Motions: The parties believe phased motions are unnecessary  
26 at this time.

1 G. Preservation of Discoverable Information: The parties represent that  
2 they have taken appropriate and reasonable steps to preserve potentially discoverable ESI, such  
3 as e-mails, messaging application transcripts, and social-media content. No Court intervention  
4 is needed on this issue at this time.

5 H. Privilege Issues: Please see the entry for section 4(D) above, which is  
6 incorporated by reference.

7 I. Model Protocol for Discovery of ESI: Please see the entry for Section  
8 4(C) above, which is incorporated by reference.

9 J. Alternatives to Model Protocol for Discovery of ESI: The parties do not  
10 expect substantive alternatives to the Model Protocol for Discovery of ESI.

11 6. Discovery Cutoff/Other Deadlines: The parties propose a discovery deadline of  
12 120 days before trial. The parties propose that expert disclosure deadline should be 90 days  
13 before the close of discovery, with rebuttal experts disclosed 30 days later. The parties request  
14 a dispositive motion filing deadline no earlier than 30 days after the close of discovery.

15 7. fBifurcation of Trial: At this time, the parties do not believe the trial should be  
16 bifurcated.

17 8. Pretrial Statement and Pretrial Order: The parties do not waive the requirement  
18 of Pretrial Statements and creation of a Pretrial Order.

19 9. Shortening or Simplifying Case: The parties do not have any other suggestions  
20 for simplifying or shortening the case.

21 10. Trial Readiness: The parties agree that this case can be ready for trial by August  
22 1, 2022.

23 11. Nature of Trial: Trial will be by jury.

24 12. Length of Trial: The parties estimate it will take no more than 5 court days to  
25 try this case.  
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13. Trial Counsel Contact Information:

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14. Trial Conflicts: At this time, the parties do not anticipate any trial conflicts if the Court sets trial on or after the agreed date of August 1, 2022.

15. Service to Defendant: ADTC, Entrance Controls, and Moore have all been served.

16. Pretrial Conference: At this time, the parties do not wish to schedule a pretrial FRCP 16 conference with the judge.

17. Corporate Disclosure Statements: ADTC filed a Corporate Disclosure Statement on June 1, 2021. Entrance Controls filed its Corporate Disclosure Statement on June 11, 2021.

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1 DATED this 24<sup>th</sup> day of August 2021.

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Via CM/ECF

Via CM/ECF

Executed August 24, 2021, at Seattle, Washington.

Jasmine Matautia